

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DERRICK WORKMAN,

Petitioner,

v.

//

CIVIL ACTION NO. 1:06CV1
(Judge Keeley)

DOMINIC GUTIERREZ,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On January 3, 2006, pro se petitioner Derrick Workman filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09. On February 21, 2007, Judge Kaull issued a Report and Recommendation recommending that Workman's case be dismissed with prejudice because the Federal Bureau of Prisons acted reasonably in denying Workman's application into a drug treatment program.

The Report and Recommendation also specifically warned that Workman's failure to object to the recommendation would result in the waiver of his appellate rights on this issue. Nevertheless, McIntyre has not filed any objections.¹

¹ Workman's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety and **ORDERS** Workman's case **DISMISSED WITH PREJUDICE** and **STRICKEN** from the Court's docket.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the petitioner.

Dated: October 22, 2007.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE